

**STATE OF MISSISSIPPI
COUNTY OF DESOTO**

**FINAL JUDGMENT SETTING ASIDE DEFAULT JUDGMENT, VACATING
JUDGMENT CONFIRMING TAX TITLE, DISMISSING COMPLAINT, SETTING
ASIDE TAX SALE AND REMOVING TAX DEED AS CLOUD ON TITLE**

CASE NUMBER: Chancery Court of DeSoto County, Mississippi
Cause No. 10-08-1946
Judge Percy L. Lynchard, Jr.

TITLE HOLDERS: Bethel Alexander, Jr.
Katherine G. Alexander
1458 Pontotoc Street
Hernando, Mississippi 38632

INDEXING INSTRUCTIONS: Lot 36, Section "A," Hernando Estates
Subdivision, West Half of Section 7, Township 3,
Range 7 West, Plat Book 3, Pages 33 and 34,
DeSoto County, MS

**INSTRUMENT PREPARED BY
AND RETURN TO:**

P. Ann Bailey (MSB 100744)
Balch & Bingham LLP
P.O. Box 130
Gulfport, MS 39502
(228) 864-9900

This Final Judgment sets aside the Tax Deed that was recorded November 23, 2009 in Book 622, Page 77, and vacates the Judgment Confirming Tax Title that was recorded on December 6, 2010 in Book 647, Page 717. A copy of each of these documents is attached. By virtue of this Judgment, the title holders to the property are Bethel Alexander, Jr. and Katherine G. Alexander. A legal description of the property is attached to the Judgment.

Case: 17CH1:10-cv-01946 Document #: 3 Filed: 09/12/2011 Page 1 of 3

MB 11-eb-1000

Pg 111

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI**DIONYSUS, LLC****PLAINTIFF****VERSUS****CAUSE NO. 10-08-1946**

**BETHEL ALEXANDER, JR., KATHERINE G. ALEXANDER,
CITIFINANCIAL MORTGAGE COMPANY, INC.,
ADMINISTRATOR OF VETERANS AFFAIRS, DESOTO
COUNTY, MISSISSIPPI THROUGH ITS CHANCERY
CLERK, JIM HOOD IN HIS CAPACITY AS ATTORNEY
GENERAL FOR THE STATE OF MISSISSIPPI, JOHN W.
CHAMPION, IN HIS CAPACITY AS DISTRICT ATTORNEY
OF DESOTO COUNTY, MISSISSIPPI, AND ALL OTHER
PERSONS, FIRMS AND CORPORATIONS HAVING OR
CLAIMING ANY LEGAL OR EQUITABLE INTERESTS
IN THE FOLLOWING DESCRIBED LAND LOCATED IN
DESOTO COUNTY, MISSISSIPPI WHICH WAS SOLD FOR
TAXES ON AUGUST 27, 2007 TO WIT: "SEE EXHIBIT "A";
PARCEL NO. 3073 0701.0 00036.00"**

DEFENDANTS

**FINAL JUDGMENT SETTING ASIDE DEFAULT JUDGMENT, VACATING
JUDGMENT CONFIRMING TAX TITLE, DISMISSING COMPLAINT, SETTING ASIDE
TAX SALE AND REMOVING TAX DEED AS CLOUD ON TITLE**

THIS CAUSE came before the Court on the Motion of CitiMortgage, Inc., as Successor by Merger with Citifinancial Mortgage Company, Inc. ("CitiMortgage"), seeking to set aside the default judgment rendered against it on November 10, 2010 and the judgment confirming tax title entered in favor of Dionysus, LLC ("Dionysus"), and the Joint Motion of CitiMortgage and Dionysus for entry of a Final Judgment setting aside the default judgment, vacating the judgment confirming Dionysus' tax title of the same date, dismissing Dionysus' Complaint, setting aside the tax sale of August 27, 2007 and removing the tax deed issued to Dionysus as a cloud on the title to the property located at 1458 Pontotoc Street, Hernando, DeSoto County, Mississippi. The Court has been informed that CitiMortgage and Dionysus have reached a full and

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FILED**SEP 12 2011****W E DAVIS, CLERK**

complete compromise and settlement of their claims in this matter. All other necessary Defendants were named and served in 2010 and are no longer parties to this action, leaving Dionysus and CitiMortgage as the only remaining parties. After due consideration of the record, the applicable law and being otherwise fully advised in the premises, the Court finds that the Parties' joint motion should be granted. It is therefore,

ORDERED AND ADJUDGED that the default judgment rendered against Citifinancial Mortgage Company, Inc., now known as CitiMortgage, Inc., is hereby set aside. It is further,

ORDERED AND ADJUDGED that the judgment confirming Dionysus' tax title in the property located at 1458 Pontotoc Street, Hernando, DeSoto County, Mississippi is hereby vacated. It is further,

ORDERED AND ADJUDGED that Dionysus' Complaint to Confirm and Quiet Title is hereby dismissed. It is further,

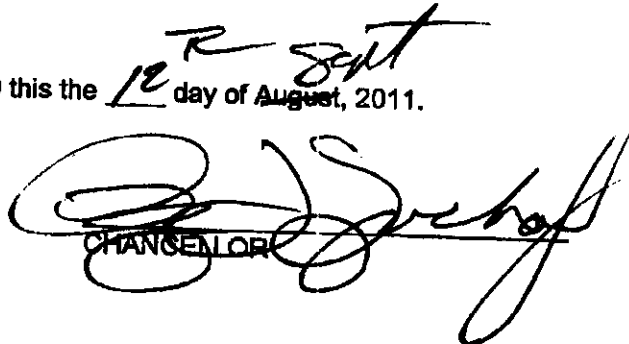
ORDERED AND ADJUDGED that the tax sale of the property located at 1458 Pontotoc Street, Hernando, DeSoto County, Mississippi, to Dionysus, LLC on August 27, 2007 is hereby set aside. It is further,

ORDERED AND ADJUDGED that the tax deed issued to Dionysus, LLC on September 15, 2009 is hereby removed as a cloud on the title to the property located at 1458 Pontotoc Street, Hernando, DeSoto County, Mississippi. It is further,

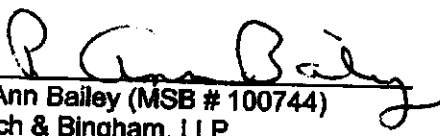
ORDERED AND ADJUDGED that each party shall bear their respective legal costs and expenses. It is further,

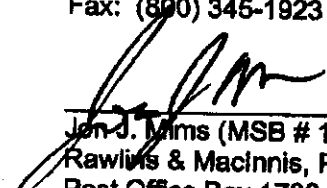
ORDERED AND ADJUDGED that this Final Judgment shall be recorded in the Land Deed Records of the Office of the Chancery Clerk of DeSoto County, Mississippi.

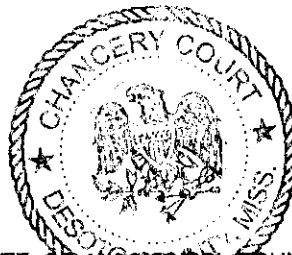
SO ORDERED AND ADJUDGED this the 12th day of August, 2011.


CHANCELLOR

AGREED AS TO FORM AND CONTENT:


P. Ann Bailey (MSB # 100744)
Balch & Bingham, LLP
1310 Twenty Fifth Avenue
Gulfport, MS 39501
Telephone: (228) 864-9900
Fax: (800) 345-1923


Jon J. Mims (MSB # 100341)
Rawlins & Macinnis, P. A.
Post Office Box 1789
Madison, MS 39130-1789
Telephone: (601) 898-1180
Fax: (601) 969-1041



STATE OF MISSISSIPPI, COUNTY OF DESOTO
3 I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 28th day of September, 20 11
W.E. Davis, Clerk of the Chancery Court
By W.E. Davis D.C.

LEGAL DESCRIPTION

Lot 36, Section A, Hernando Estates Subdivision, in Hernando, Mississippi, as recorded in Plat Book 3, Pages 33 and 34 in the office of the Chancery Clerk of DeSoto County, Mississippi, and being part of the West half of Section 7, Township 3, Range 7 West.

CHANCERY CLERK'S CONVEYANCE LAND SOLD FOR TAXES

(Chapter 27-43 Code of 1972)

DK W BK 670 PG 120

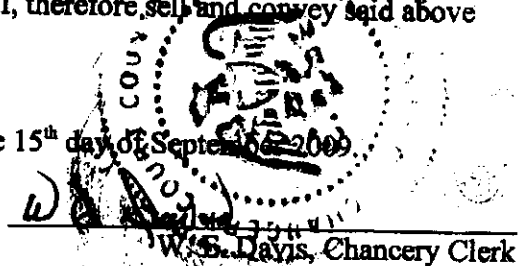
STATE OF MISSISSIPPI
COUNTY OF DESOTO

Be it known that Joey Treadway, Tax Collector of said County of Desoto, did, on the 27th day of August, A.D., 2007 according to law, sell the following described and situated in said county and assessed to BETHEL ALEXANDER JR ETUX to wit:

DESCRIPTION OF LAND: LOT 36 HERNANDO ESTATES SD PLAT BK 3 PAG 33 SEC A	SEC 7	TWP 3	RANGE 7
PARCEL NUMBER: 3073 0701.0 00036.00			

FOR THE TAXES ASSESSED THEREON for the year A.D. 2006, when DIONYSUS LLC became the best bidder therefore, at and for the sum of NINE HUNDRED EIGHT AND 80/100 Dollars 908.8 and the same not having been redeemed, I, therefore sell and convey said above described land to the said DIONYSUS LLC.

Given under my hand and official seal of office, this the 15th day of September 2009.


W.E. Davis, Chancery Clerk

COSTS TO BE PAID BY PURCHASER UPON DELIVERY OF CONVEYANCE

Recording tax conveyance (Section 25-7-9).....	\$12.00	\$12.00
TOTAL RECORDING COST.....		\$12.00
<u>DUE TO COUNTY</u>		
County actual postage fee (Section 27-43-3).....		\$5.32
Publisher's actual fee paid by county (Section 27-43-3).....		\$3.00
TOTAL DUE TO COUNTY.....		\$8.32
<u>DUE TO CHANCERY CLERK</u>		
Identify record owners (Section 27-43-3).....	\$50.00	\$50.00
Recording list, each subdivision (Section 25-7-21(4)(a)).....	\$1.00	\$1.00
Issue sheriff's notice (Section 27-43-3).....	\$2.00	\$2.00
Mail 1 st owner's notice (Section 27-43-3).....	\$1.00	\$1.00
Mail 2 nd owner's notice (Section 27-43-3).....	\$2.50	\$
Issue each lienor notice (Section 27-43-11).....	\$7.00	\$7.00
Recording each redemption (Section 25-7-21(4)(d)).....	\$10.00	\$10.00
Abstracting each subdivision (Section 25-7-21(4)(e)).....	\$1.00	\$1.00
Certify amount to redeem (Section 25-7-9(1)(a)).....	\$1.00	\$1.00
Certify release from sale (Section 25-7-9(1)(a)).....	\$1.00	\$1.00

TOTAL AMOUNT DUE TO CHANCERY CLERK..... \$86.00

GRAND TOTAL DUE..... \$94.32

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority of law in and for the county and state aforesaid, the within named W. E. Davis, Chancery Clerk in and for said county and state, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office at my office at Hernando, Mississippi, this the 15th day of September 2009.



Misty T. Heffner
Title _____

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

DIONYSUS, LLC

PLAINTIFF

VS.

CAUSE NO. 10-08-1946

BETHEL ALEXANDER, JR., KATHERINE G. ALEXANDER, CITIFINANCIAL MORTGAGE COMPANY, INC., ADMINISTRATOR OF VETERANS AFFAIRS, DESOTO COUNTY, MISSISSIPPI THROUGH ITS CHANCERY CLERK, JIM HOOD IN HIS CAPACITY AS ATTORNEY GENERAL FOR THE STATE OF MISSISSIPPI, JOHN W. CHAMPION, IN HIS CAPACITY AS DISTRICT ATTORNEY OF DESOTO COUNTY, MISSISSIPPI, AND ALL OTHER PERSONS, FIRMS AND CORPORATIONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE INTERESTS IN THE FOLLOWING DESCRIBED LAND LOCATED IN DESOTO COUNTY, MISSISSIPPI WHICH WAS SOLD FOR TAXES ON AUGUST 27, 2007 TO WIT: "SEE EXHIBIT 'A'; PARCEL NO. 3073 0701.0 00036.00"

12/06/10 9:23:28
DK W BK 647 PG 717
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

DEFENDANTS

JUDGMENT CONFIRMING TAX TITLE

This day this cause came on to be heard on the Complaint of Plaintiff, Dionysus, LLC, for a judgment to confirm title under provisions of § 11-17-1, Mississippi Code of 1972, as amended, to confirm the Tax Sale which occurred on August 27, 2007 and remove as a cloud on its title any and all claims held by the Defendants in and to the hereinafter-described real property, and the Court having heard and considered same and being fully advised in the premises, finds as follows:

1. All necessary party defendants have been served with process as required by law.

They are:

a) Defendant Bethel Alexander Jr. who was served with process on August 24, 2010.

No answer has been filed in response.

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b) Defendant Katherine G. Alexander who was served with process on August 24, 2010. No answer has been filed in response.

c) Defendant Citifinancial Mortgage Company, Inc., N/K/A Citimortgage, Inc. who was served with process on October 7, 2010 by leaving a summons a copy of the complaint with its registered agent for service of process and by attempted registered mail to its last address of record and via publication. No answer has been filed in response.

e) Defendant Desoto County, Mississippi, who entered into an Agreed Order of dismissal and set forth that it claims no interest in the subject property.

f) Jim Hood, in His Capacity as Attorney General for the State of Mississippi, who answered asserting no interest in the subject property and consenting to a hearing at any time. Pursuant to Miss. Code Ann. § 11-17-19, the Attorney General is named as a nominal defendant in this action.

h) John W. Champion, In His Capacity as District Attorney of Desoto County, Mississippi who was served with process pursuant to Rule 4. No answer has been filed in response. Pursuant to Miss. Code Ann. § 11-17-19, the District Attorney is named as a nominal defendant in this action.

i) All other persons, unknown heirs, firms and corporations having or claiming any legal or equitable interests in that property described in Exhibit "A" attached to the Complaint and located in Desoto County, Mississippi, who could not be found after diligent search and inquiry, were served by publication in the Desoto Times-Tribune newspaper during the weeks of September 7, 2010, September 14, 2010 and September 21, 2010 pursuant to Miss. Code Ann. § 11-17-1 and Rule 4 of the Mississippi Rules of Civil Procedure. No answer has been filed in response.

2. The property described in Exhibit "A" ("Property") was assessed to Bethel Alexander for the tax year 2006. Taxes on the Property for the 2006 tax year were not paid.

3. The Chancery Clerk satisfied all notice requirements at the time and during the redemption period by sending proper notice of the tax sale and the expiration of the redemption period as required by law. Any and all interested parties failed to redeem the property by August 27, 2009. The tax sale matured and perfect title vested in Dionysus, LLC pursuant to Miss. Code Ann. §§ 27-41-79 and 27-45-23.

IT IS, THEREFORE, ORDERED AND ADJUDGED that:

1. The tax title of Dionysus, LLC to the property described in Exhibit "A" be, and it hereby is, confirmed against all persons claiming to hold the land by title existing at the time of said sale for taxes, and that there be, and there hereby is, vested in said Plaintiff a good and sufficient title in said land, this judgment to be held as conclusive evidence that title to said land is vested in Plaintiff, as against all persons claiming same under the title existing prior to said sale for taxes.
2. Dionysus, LLC is the owner in fee simple absolute of that property fully described in Exhibit "A" attached hereto located in Desoto County, Mississippi.
3. At that Tax Sale dated August 27, 2007, the subject property was sold for taxes due and unpaid thereon for the year 2006 to Dionysus, LLC, which became the purchaser thereof. Said land was properly assessed and said sale was made and certified in the manner required by law. After said sale remained on file in the office of the Chancery Clerk of Desoto County, Mississippi, for the redemption period of more than two years and all required notices were given by the appropriate authorities, the tax sale was not redeemed by any party.
4. After the time for redemption had passed, Desoto County, Mississippi executed a Tax Deed to Dionysus, LLC.
5. This judgment is to be held as conclusive evidence that title to said land is vested in Plaintiff, as against all persons claiming same title to said property.

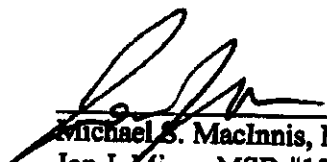
6. The claims of all Defendants are forever barred and they are enjoined from making any claim of right, title or interest in, to or upon said land by virtue of said claims, except for any real estate taxes currently due, and all clouds on the title of Plaintiffs are hereby quieted and removed.

7. That final record be, and it hereby is, dispensed with but that this judgment be indexed as if a deed and recorded in the Records of Deeds of Desoto County, Mississippi

ORDERED AND ADJUDGED this 10TH day of November, 2010.


CHANCELLOR

Submitted By:


Michael S. MacInnis, MSB # 8376
Jon J. Mims, MSB #100341
Rawlings & MacInnis, P.A.
Post Office Box 1789
Madison, Mississippi 39130-1789
Telephone No. (601) 898-1180
Telecopier No. (601) 969-1041

A BK 534 PG 768

11/23/09 11:36:01 45
DK W BK 622 PG 77 52
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK**CHANCERY CLERK'S CONVEYANCE
LAND SOLD FOR TAXES**

(Chapter 27-43 Code of 1972)

DK W BK 647 PG 721

STATE OF MISSISSIPPI
COUNTY OF DESOTO

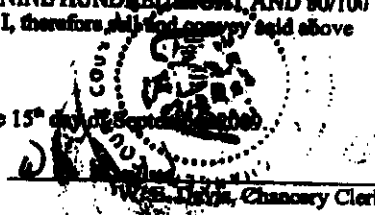
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to wit:

DESCRIPTION OF LAND: LOT 36 HERNANDO ESTATES SD PLAT BK 3 PAG 33	SBC 7	TWP 3	RANGE 7
PARCEL NUMBER: 3073 0701.0 00036.00			

FOR THE TAXES ASSESSED THEREON for the year A.D. 2006, when DIONYSUS LLC became the best bidder therefore, at and for the sum of NINE HUNDRED EIGHT AND 80/100 Dollars 908.8 and the same not having been redeemed, I, therefore, sell and convey said above described land to the said DIONYSUS LLC.

Given under my hand and official seal of office, this the 15th day of September 2009.

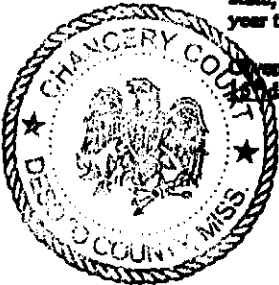
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DUE TO COUNTY		
County actual postage fee (Section 27-43-3).....		\$5.32
Publisher's actual fee paid by county (Section 27-43-3).....		\$1.00
TOTAL DUE TO COUNTY.....		\$6.32
DUE TO CHANCERY CLERK		
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GRAND TOTAL DUE.....		\$94.32

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority of law in and for the county and state aforesaid, the within named W. E. Davis, Chancery Clerk in and for said county and state, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office at my office at Hernando, Mississippi, this the 15th day of September 2009.



Misty T. Heppner
Title _____

STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 29th day of November 2010
W.E. Davis, Clerk of the Chancery Court

By *W.E. Davis* D.C.

